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UNCLAS SECTION 01 OF 07 SOFIA 000123

DEPARTMENT FOR G/TIP (Hall), INL, DRL, PRM, EUR/PGI, EUR/SCE

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SUBJECT: BULGARIA: 2010 ANTI-TRAFFICKING IN PERSONS (TIP) REPORT

REF: STATE 2731

SOFIA 00000123 001.2 OF 007

1. (SBU) SUMMARY: Bulgaria is primarily a point of origin and transit, and to a lesser degree destination for human trafficking. The government continued its energetic anti-trafficking prevention campaign and stepped up efforts in the area of victim protection. It also passed legislation to increase punishments for traffickers and introduced penalties for the clients of minor prostitutes and trafficking victims. The new government has actively pursued high-profile cases against corrupt officials, including former ministers and agency heads. It fired several police officers accused of aiding traffickers and arrested a high-level Interior Ministry official in charge of migration policy for helping trafficking groups obtain fake documents. The court sentenced two elected local government officials charged with leading a trafficking criminal network.

2. (SBU) Primary point of contact on trafficking is Political Officer XXXXXXXXXXXX. Approximately 100 hours of staff time were required for the completion of this report. END SUMMARY.

#### REPORTING QUESTIONS

#### 25. (U) BULGARIA'S TIP SITUATION:

-- A. Several agencies, including the Prosecution Service, the Ministry of Interior, the Ministry of Justice, and the Ministry of Labor and Social Policy maintain information about trafficking trends, criminal proceedings, traffickers and victims. The National Commission for combating trafficking in human beings (the Commission) collects and summarizes all government-generated data, which is generally inclusive and reliable. The International Organization for Migration (IOM) and NGOs also compile data on the destination, source points, and recruitment methods compiled from trafficking victims that they have assisted.

-- B. Bulgaria continues to be primarily an origin point for trafficking of women and children, mostly for purposes of commercial sexual exploitation. To a lesser extent it is a transit and destination point for sexual exploitation of foreign victims of trafficking. Bulgarians are also subjected to trafficking conditions within the country. Internal trafficking, particularly to resort areas, is primarily for sexual exploitation, and victims are often later trafficked to Western Europe. The ratio between external and internal trafficking for sexual exploitation is almost equal. Bulgarian victims of sexual exploitation are traditionally recruited from several regions of the country: victims from Sliven, in southeast Bulgaria, are primarily trafficked to Belgium and the Netherlands; victims from Plovdiv and Pazardzhik, in central Bulgaria, are mostly trafficked to France, Austria, and Italy;

victims from northeast Bulgaria are mostly trafficked to Germany, Czech Republic, and the Scandinavian countries; victims from Blagoevgrad, in southwest Bulgaria, are usually trafficked to Greece, Italy, and Spain. Bulgarian victims are also trafficked to Poland, Switzerland, Finland, Turkey, Cyprus and Macedonia. NGOs report few recent cases of Bulgarian victims trafficked outside Europe, primarily to the U.S. and South Africa. Law enforcement officials report that more than 80 percent of the trafficking investigations involve sexual exploitation. However, Greece, Italy, Spain and Great Britain are known also as destinations for labor trafficking of Bulgarian victims.

-- C. Victims are subject to forced prostitution, physical and psychological abuse. They are frequently limited in their movement and face punishments for failing to comply with the traffickers' rules. Victims are also deprived of their identity documents and are controlled through threats against their relatives. Some victims are forced to pay large debts or are sold to other traffickers. Occasionally, in order to keep them dependent, victims are given drugs, mostly heroin.

-- D. The most vulnerable populations for human trafficking are young women between the ages of 18 and 24, low income or unemployed persons, and those with less education and problematic family relations. According to NGO estimates, Roma account for approximately 15 percent of victims. Roma children are more vulnerable to being trafficked for begging and delinquency and Roma women are vulnerable to being trafficked for sexual exploitation. NGOs report that female students, particularly from high-schools or universities specializing in dance, have recently become more vulnerable to trafficking.

-- E. Law enforcement and NGOs identify four types of traffickers: freelancers, independent pimps (who usually control 2 to 5 victims), partner associations (typically comprised of 2 to 9 traffickers who control up to 7 victims each), and organized crime networks. Freelancers and independent pimps have limited access to territories outside Bulgaria, while partner associations and OC groups largely control the international trafficking. Bulgarian victims are lured by promises of profitable work, often through close friends, acquaintances, or boyfriends. In some cases victims are recruited through false job offers for receptionists, waitresses, models or au pairs. Some victims directly approach the traffickers and voluntarily accept to work as companions but are later exploited. Occasionally victims are kidnapped, forced to pay back unreasonable debts, or are sold by their relatives. Both Bulgarian and foreign trafficking victims generally use genuine rather than forged documents and cross borders legally. Victims are also moved frequently from one place to another, avoiding detection by authorities for undocumented stays. Children trafficked abroad generally travel with the full consent of their parents as required by Bulgarian border control.

#### 126. (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. The government acknowledges that human trafficking is a problem in the country.

-- B. The Commission, which by law is comprised of deputy ministerial level representatives of different agencies, serves as the focal point for coordinating the government's anti-trafficking efforts. The Commission is supported in its efforts by six local commissions, which are located in regions identified as major source or destination points for trafficking. In 2009, the Commission continued its energetic prevention campaign and stepped up efforts in the area of victim protection. On the prosecution front, the Ministry of Interior and the Prosecution Service maintained high rates of investigations against sex and labor traffickers.

-- C. The government's challenges to combat trafficking include an overly formalistic judicial process, inadequate compensation for government officials, and lingering public corruption. Different agencies within the Ministry of Interior have the authority to investigate trafficking cases. Some of the agencies' local branches lack sufficient expertise or administrative capacity to handle complex investigations. Additionally, the lack of a centralized

approach in investigating organized crime groups sometimes allows the groups' leaders to conceal their criminal activities by sacrificing low to mid-level accomplices.

-- D. The Commission regularly collects data from all relevant agencies to refine its prevention campaigns and training programs. The National Commission publishes an annual report of the government's anti-trafficking efforts and hosts a quarterly meeting with international donors and local NGOs. These quarterly meetings provide a forum for sharing accomplishments and coordinating efforts.

-- E. The government has a reliable system for birth registration. Regardless of ethnicity or social status, Bulgarian women have traditionally chosen to give birth at hospitals providing specialized medical care. According to latest studies 99.4 percent of all births take place at hospitals and are registered immediately thereafter. In 2009, the government continued to implement measures in order to meet EU Schengen requirements. As part of this effort, starting March 2010 the government will begin to re-register citizens, which is necessary for the issuance of new identity documents containing biometric data on all Bulgarian nationals.

-- F. The government generally has the capabilities to gather data for law enforcement assessment. However, the lack of a systematic approach and modern equipment as well as the poor administrative capacity, especially at local level, are challenges acknowledged by the government. In part to overcome these challenges, the government establishment permanently functioning task forces in 2009, comprised of vetted law enforcement officers and prosecutors. These task forces are already running at full speed and target organized crime in a more systematic manner.

#### 127. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. Section IX of Bulgaria's Criminal Code, which was adopted in 2002, specifically prohibits trafficking for both sexual and labor exploitation. The law covers internal and transnational forms of trafficking. The victims' consent is not defense to trafficking charges under Bulgarian law, even when the victim is an adult. Amendments adopted in April 2009 increased punishments for traffickers. More specifically the government significantly increased fines for traffickers and increased the minimum time of imprisonment for internal trafficking. The law also increased the maximum prison sentence for international traffickers, repeat offenders, and organized crime group members. Changes to the law introduced specific penalties for the clients of minor prostitutes and for those who use trafficking victims for sexual abuse, forced labor, organ removal or servitude. The Criminal Code also punishes rape, slavery, forced prostitution and activities related to prostitution. Trafficking is among the offenses covered by the 2005 Asset Forfeiture Law, which allows for confiscation of illegally acquired property. Victims of trafficking can also sue for civil damages. The exact text of section IX, article 159 is included below.

#### TRAFFICKING IN PEOPLE Art. 159a.

(1) A person who gathers, transports, hides or receives individuals or groups of people in order to be used for vicious practice, involuntary servitude, seizure of body organs or to be kept under compulsory submission regardless of their consent, shall be punished by imprisonment of two to eight years and a fine from three thousand to twelve thousand levs.

(2) When the act under para 1 is committed:

11. regarding a person under eighteen years of age;
12. by compulsion or by deceiving the person;
13. by kidnapping or illegal deprivation of freedom;
14. by using a state of dependence;
15. by malfeasance;
16. by promising, providing or obtaining benefit,

the punishment shall be imprisonment of three to ten years and a fine from ten thousand to twenty thousand levs.

(3) In case the act under para 1 has been committed with regards to a pregnant woman with the purpose of selling the child, the punishment shall be imprisonment of three to fifteen years and a fine of twenty thousand to fifty thousand levs.

INTERNATIONAL TRAFFICKING  
Art. 159b

A person who gathers, transports, hides or receives individuals or groups of people and transfers them through the border of the country with the purpose under art. 159a, para 1 shall be punished by imprisonment of three to twelve years and a fine from ten thousand to twenty thousand levs.

(2) If the act under para 1 is committed under the conditions of art. 159a, para 2 and 3 the punishment shall be imprisonment of five to twelve years and a fine from twenty thousand to fifty thousand levs.

CLIENTS OF TRAFFICKING VICTIMS  
Art. 159c.

Whoever uses a person, victim of traffic of people, for acts of debauchery, for forced labor, for deprivation of corporal organs or to be kept in forced obedience regardless of his consent shall be punished by imprisonment from three to ten years and fine from ten thousand to twenty thousand levs.

REPEAT OFFENDERS AND ORGANIZED CRIME GROUP  
Art. 159d.

When the act under art. 159a - 159c represents a dangerous recidivism or it has been committed by an errand or in fulfillment of a decision of an organized criminal group the punishment shall be imprisonment of five to fifteen years and a fine from twenty to one hundred thousand levs, as the court can also rule confiscation of a part or of the entire property of the offender.

-- B-C. All forms of human trafficking are equally penalized, regardless of the form of exploitation. The punishment for trafficking in persons is two to eight years in prison and fines up to approximately USD 8,800 (BGN 12,000). If aggravated circumstances exist -- e.g., a minor or kidnapping was involved -- penalties increase to three to ten years in prison and fines of up to approximately USD 14,700 (BGN 20,000). Penalties for trafficking persons across borders increased to three to 12 years imprisonment and fines of up to approximately USD 14,700 (BGN 20,000). The same increased punishment is provided for trafficking of pregnant women for the purpose of baby selling. If the act of trafficking is carried out in connection with an organized crime group or constituted a serious repeat offense, penalties increase to five to 15 years imprisonment with fines of up to approximately USD 74,000 (BGN 100,000) and the possibility of forfeiture of assets. Labor recruiters and employers who falsely entice workers or forcibly hold them in the destination countries can be punished with up to ten years imprisonment.

-- D. Sentences for rape range between two and eight years imprisonment; sentences increase to between three and ten years if the perpetrator is a repeat offender, or if the victim is underage or a close relative. In cases where rape results in serious bodily injury or suicide of the victim, sentences range between ten and 20 years.

-- E. In 2009, the prosecution service investigated a total of 226 trafficking cases, 21 of which involved forced labor. Of the 226 cases, 95 were from previous years and 131 were launched in 2009. Of the 131 newly launched investigations, 122 of them concerned trafficking for sexual exploitation and nine dealt with labor exploitation. In 2009, prosecutors filed indictments against two labor traffickers, including one foreigner, and 79 sex traffickers, including 2 foreigners. A total of 97 persons were convicted on trafficking charges. Of the 97, 94 were sentenced for trafficking for sexual exploitation and three for labor exploitation. Fourteen people were convicted based on a new provision which criminalized the use of trafficking victims for sexual abuse. Fifty-one of the traffickers received effective sentences, 45 received suspended sentences and one was sentenced to probation. Thirty-seven traffickers received fines in addition to their sentences. Offenders convicted of trafficking generally served the full sentences mandated by the court. In some of the cases, the prosecutors pressed multiple charges against the perpetrators, and where there was not sufficient evidence to prove the trafficking

charges, the perpetrators were prosecuted for enticement into prostitution. In January 2010, the police arrested six people for sexually abusing 12 boys ages 12 to 16 years who were recruited through the Internet. The investigation is ongoing.

-- F. The government and NGOs trained law enforcement officers on investigating trafficking and differentiating between trafficking victims and offenders. As part of its regular curriculum, the National Institute of Justice, the government's magistrates' training institution, trained 34 judges and 19 prosecutors on organized crime issues, including human trafficking and trans-border crimes. The International Organization for Migration (IOM) trained 60 Bulgarian labor inspectors on issues such as trafficking victim identification, sectors most vulnerable to trafficking exploitation, protection mechanisms, and penalization of violators. IOM also trained 60 law enforcement officers on trafficking victim identification and referral and migration management.

-- G. The Bulgarian government cooperated with other governments in the investigation and prosecution of trafficking cases. The MOI Border Police unit cooperated with counterparts in Poland, Great Britain, Belgium and Greece. The MOI anti-organized crime unit held 17 joint investigations targeting human traffickers with law enforcement from Austria, Germany, France, Belgium, the Netherlands, Italy and Great Britain.

-- H. Bulgarian law allows extradition of both foreign nationals and Bulgarian citizens. In 2009, the government initiated 33 extradition cases on trafficking charges. Of them, four were against foreigners and 33 against Bulgarian nationals.

-- I. Corruption is by far Bulgaria's biggest challenge with numerous allegations of government officials providing "no look" protection to organized crime figures, including traffickers. The new government, which won the July 2009 elections on an anti-corruption platform, has made strides against corrupt practices, including launching investigations against four former ministers and several other high-level officials. The new government also replaced 26 of the 28 regional police chiefs and established permanently functioning joint police-prosecutors investigative teams targeting major organized crime figures.

-- J. In 2008 police arrested 24 members of an organized crime group involved in human trafficking and money laundering in the coastal city of Varna. Three of the group's members were elected government officials and served on the city council at the time of their arrest. In June 2009 two of the municipal councilors, a father and a son, plea bargained and received a three-year and one-year effective sentences, which they are currently serving. A total of 19 members of the group plea bargained and received reduced sentences. The trial is ongoing against one municipal councilor and four members of the group, who refused to plea-bargain. Additionally, nine out of eleven officers of the local anti-organized crime unit in Vratsa were dismissed from office on suspicion of aiding a trafficking group. In February, the government arrested the Head of the Migration unit within the Interior Ministry for reportedly aiding a criminal group in securing Bulgarian identity documents for foreigners smuggled in Bulgaria.

-- K. Reporting not applicable to Bulgaria

-- L. Bulgaria does not have an identified child sex tourism problem. However, resort areas along the Black sea coast and border towns, especially with Greece, are destination points for internal sexual exploitation. Trafficking victims in these areas are often young girls between 14 and 18, who are considered children under Bulgarian law. The Prosecution service identified 18 children victims of sexual exploitation in 2009. In October 2009 the court sentenced an Australian pedophile to five years and six months imprisonment. The Australian was arrested in November 2008 for performing acts of debauchery with three Bulgarian minors in the coastal city of Varna and videotaping them. A Bulgarian national was also sentenced to nine months imprisonment for aiding the Australian to get in contact with the victims. In March 2009, prosecutors filed in court an indictment against an Italian national accused of pedophilia. The trial against him is ongoing. In September 2009, police arrested a German pensioner who was videotaping naked Bulgarian minors of Roma origin who were between

four and eight years old for an Internet pedophile forum. The investigation against the German is ongoing as is the investigation against national of Great Britain who was arrested on charges of pedophilia in December 2009. Bulgarian Criminal Code has extraterritorial coverage and Bulgarian nationals are punishable for child abuse abroad.

128. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. The government provides victims with shelter, counseling, medical, and legal assistance, consistent with its laws.

-- B-C. Bulgaria has six state-run children's shelters and one adults' shelter which are accessible to victims of trafficking. Additionally several NGO's, including Animus (Sofia), Samaritans (Stara Zagora), SOS Families at Risk (Varna), Diva (Plovdiv), Open Door (Pleven), and Demetra (Burgas) have care facilities and offer legal, medical and psychological service to victims of trafficking. The Government rents facilities to NGOs, at below market rates and provides police protection for NGO-operated safe houses. Several local governments, including in Varna and Pazardzhik, outsource provision of social services to NGOs by allocating them premises and funding. Each of the six children's shelters offers psychological and medical assistance to victims and has the capacity to shelter ten kids between ages six and 18 years for a period of up to six months. The government provides an annual state allowance of 7,750 (\$5,000) BGN/year per child. NGOs and government agencies do not distinguish between foreign and Bulgarian citizens in providing assistance to trafficking victims. The Commission is finalizing standards for minimum care that all facilities should offer to trafficking victims.

-- D. The 2003 Anti-Trafficking Act created a special immigration status for foreign trafficking victims who cooperate in trafficking investigations. The status provides for full residency and employment rights until the end of criminal proceedings. For foreign citizen victims who choose not to cooperate in trafficking investigations, the GOB provides ten days plus one month for recovery before they are returned to their country of origin. The recovery period for foreign citizen child victims is ten days plus two months.

-- E. The government shelters children victims of trafficking for a period of up to six months. The shelter's social workers seek to ensure the safe return of the children to their biological families after this period expires and, whenever necessary, to find them accommodation in a specialized institution or a foster family.

-- F. The government has an institutionalized referral process for children victims of trafficking and law enforcement routinely referred children victims to the six state-run shelters. Law enforcement referred adult victims to NGOs. In 2009, the Commission continued to work with NGOs in a multinational project funded by the Dutch government to develop a transnational referral mechanism. The Commission is currently finalizing a set of standard operative procedures under this mechanism.

-- G. In 2009, the government identified 289 victims of trafficking, of which 44 were minors. Of the children victims, 40 were sexually exploited and four were labor exploited. All children victims received government-funded assistance. Of the adult victims, 213 were women and 32 were male. Of the 32 men, 28 were victims of labor exploitation and five men were sexually exploited. 202 women were victims of sexual exploitation and 11 were labor exploited. In 2009, IOM assisted 47 victims of trafficking, two of whom were foreign nationals. Forty of the assisted were victims of sexual exploitation and seven were victims of labor exploitation. Animus NGO assisted 45 adult victims referred by law enforcement or their sister organizations throughout Europe.

-- H. Bulgarian law enforcement, particularly border police, have been trained on victim identification and have a system for screening potential victims. Prostitution is not specifically legalized in Bulgaria.

-- I. NGOs reported that victims' rights were respected, according to international norms. Victims were generally not detained, fined, or prosecuted for minor offenses with one notable exception



involving two Moldovan women who received a six month suspended sentence for illegal border crossing. The two were meanwhile referred to IOM for assistance but the charges against them were not dropped.

-- J. The government encourages victims to assist in the investigation and prosecution of trafficking cases and provides special status for foreign citizen victims who cooperate. Victims can also file civil suits for material and moral damages suffered and generally victims have unimpeded access to such redress. Victim witnesses are permitted to obtain other employment or leave the country pending trial proceedings. Trafficking victims who have not been compensated through judicial process can seek redress for material damages from a special government fund. The fund is operated by a National Council under the Ministry of Justice which allocates compensations from BGN 250 (approximately USD 170) to BGN 5,000 (approximately USD 3,520) to victims of a specified list of crimes, including trafficking.

-- K. The government provides training for government officials on identifying and assisting trafficking victims. In 2009, experts of the Commission made presentations to Border police, school teachers, and social workers at the children shelters. The Police Academy under the Ministry of Interior has included human trafficking course in its standard curriculum for police officers. The Ministry of Foreign Affairs Diplomatic Institute includes a module on trafficking in its courses for junior diplomats and consular officers as well as officers from the Ministry of Defense, the General Staff, and the Military Academy. The officers posted to Bulgarian embassies and consulates are taught how to recognize trafficking victims and how to refer victims to NGOs for legal, medical and psychological assistance. In 2009, the IOM helped repatriate and provided social assistance to three adults and three children who were victims of labor exploitation in Spain. All of the victims were referred to IOM by the Bulgarian embassy in Madrid.

-- L. The Government provides medical aid, shelter, psychological, and reintegration assistance, as well as education to children victims of trafficking. It refers repatriated adult trafficking victims to NGOs for legal, medical and psychological aid. The Anti-Trafficking Act provides for repatriated Bulgarian trafficking victims to receive the same assistance and care as trafficking victims identified within the country.

-- M. The IOM and NGOs, including Animus, Nadia Center Foundation, Samaritans, Diva, and SOS Families at Risk provided medical, legal, psychological and reintegration assistance to trafficking victims. IOM and NGOs report strong cooperation with Government officials, on a national and local level. The government supported and protected organization conducting awareness/prevention campaigns.

#### 129. (U) PREVENTION:

-- A. In 2009, the government organized and/or supported numerous public awareness programs on national and local level. In October 2009, the Commission launched an Open Door campaign by opening its office to students every Friday. In 2009, the Commission hosted 350 students who received information brochures and participated in video screenings and discussions. The Commission also organized a student contest for trafficking awareness presenting 50 awards for anti-trafficking illustrations and 30 awards for best essays. The local commission in Varna, in partnership with an employment agency and local universities, organized a prevention campaign against labor exploitation titled "Where are you travelling?". Experts at the local commission in Burgas held discussions with students. The local commission in Sliven held a charity concert under the slogan "There is always a choice" and organized in partnership with the local theater a prevention campaign for the visitors of the autumn theater festival. The government also opened three information centers under the local commissions in Varna, Burgas and Pazardzhik.

-- B. The National Border Police actively monitors airports and land border crossings for evidence of trafficking in persons. However, effective monitoring of immigration and emigration patterns is hampered by visa-free travel between Bulgaria and its neighbors.

-- C. The Commission is a multi-agency body specifically tasked with coordinating Bulgaria's anti-trafficking efforts. The Commission's secretariat ensures effective communication between the various agencies represented on the Commission and serves as the main point of contact for international and local partners on trafficking issues. Under the leadership of the Commission's secretariat, an expert advisory group, with representatives from all member agencies, meets regularly to address operational issues. The Commission's secretariat also hosts quarterly meetings of a coordination group, comprised of international donors and NGO representatives, to advance anti-trafficking efforts.

-- D. The government adopts annually a plan of action for combating human trafficking. The 2009 plan was approved by the Council of Ministers in April 2009. It was developed in consultation with all relevant government agencies, as well as NGOs and the IOM.

-- E-F. In April 2009, the government introduced penalties for the clients of children prostitutes and also criminalized the use of trafficking victims for sexual abuse. The government sentenced six persons under these new provisions. As described above, Bulgarian Criminal Code has extraterritorial coverage and applies to Bulgarian clients of minor prostitutes abroad.

### 130. (U) PARTNERSHIPS

-- A. In 2009, the Bulgarian government cooperated with the Norwegian government under a joint police cooperation project aimed at increasing police capacity to handle trafficking cases. The government also implemented a bilateral police project with the Dutch government.

-- B. Bulgaria is one of four source countries, along with Albania, Macedonia and Romania, which implements a project aimed at developing a transnational referral mechanism for trafficking victims. The project also promotes sharing of best practices among the eight cooperating countries.

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